

EXHIBIT A

**COMPARISON OF PROPOSED NOTICE PROCEDURES AND AMENDED NOTICE
PROCEDURES**

NOTICE PROCEDURES

I. In the Main Case

- a. The Trustee will establish and maintain a Master Service List (the “Master Service List”) listing the parties upon which all Pleadings (as defined below) will be served. The Master Service List will initially include: (i) SIPC; (ii) SEC; (iii) Internal Revenue Service; (iv) United States Attorney for the Southern District of New York, and (v) those parties that have formally appeared and requested service pursuant to Bankruptcy Rule 9010 by filing a notice of appearance (a “Notice of Appearance”) in the Main Case, designating such party’s:

- (A) name;
- (B) address;
- (C) name of client, if applicable;
- (D) telephone number;
- (E) facsimile, if applicable; and
- (F) electronic mail (“email”) address

By filing a Notice of Appearance containing an email address, a party is deemed to have consented to electronic service of motions, applications, other pleadings, exhibits, objections, settlements, responses, and other papers (collectively, “Pleadings”). “Pleadings” shall not include summonses, complaints, or other documents whose service is governed by Rule 4 of the Federal Rules of Civil Procedure. Orders to Show Cause shall be served as provided in the Order to Show Cause.

- b. Subject only to the terms and exceptions listed below, notice of any Pleadings or matters covered by the Bankruptcy Rules, the Local Bankruptcy Rules, or otherwise will be served only by email and only upon (i) the parties on the Master Service List; and (ii) any parties whose interests are directly affected by a specific Pleading. Pleadings filed in the Main Case pursuant to Bankruptcy Rule 9019 shall be deemed to “directly affect” only those parties that have entered into the agreement, settlement, or compromise filed in the Main Case pursuant to Bankruptcy Rule 9019.
- c. Any *pro se* party in interest that wishes to be added to the Master Service List may do so by returning a form (a “Request Form”) to the Trustee requesting such party’s addition to the Master Service List. The Request Form shall be substantially similar to Schedule B to the notice of the order establishing these Notice Procedures. By returning a Request Form designating an email address for service, a party is deemed to have consented to electronic service of all Pleadings. A party in interest not represented by counsel may obtain an exemption from electronic service by submitting a Request Form to the Trustee certifying that the party is unable to receive Pleadings by email.

- d. If a Notice of Appearance or Request Form fails to designate an email address for service, the party filing such a Notice of Appearance or returning such a Request Form will not be included on the Master Service List and will not be served with copies of all Pleadings in the Main Case unless such party is appearing *pro se* and has obtained an exemption from electronic service as set forth herein. Parties that have previously filed a Notice of Appearance that did not designate an email address for service will not be included on the initial Master Service List; in order to be added to the Master Service List, such parties must either (i) file a supplementary Notice of Appearance in the Main Case or (if *pro se*) return a Request Form designating an email address for service or (ii) if *pro se*, obtain an exemption from electronic service as set forth herein.¹
- e. Any party whose interests are directly affected by a specific pleading but who has not previously filed a Notice of Appearance or otherwise designated an email address for service may first be contacted by the party wishing to effect service (the “Noticing Party”) and asked to designate (via email, facsimile, or mailed letter) an email address at which the party may be served. After such email address has been so provided, service upon that email address shall be deemed proper service. If the Noticing Party is unable to obtain such a designation or is otherwise unable to effect service by email, service shall be deemed properly effected upon service by facsimile, overnight delivery, or conventional mail at the last known mailing address or facsimile number of the party being served.
- f. Any *pro se* party that wishes to be exempt from designating an email address for service yet wishes to be added to the Master Service List may make a written request for such an exemption by returning a Request Form to that effect to counsel for the Trustee, Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111 (Attn: Marc E. Hirschfield) (the “Trustee’s Address”). Any party exempted from email service will be served with Pleadings by mail, facsimile, or overnight delivery, unless the party effectuating service determines to effectuate service by other means reasonably calculated to effect service.
- g. The Trustee will update the Master Service List from time to time, but no less frequently than on a monthly basis, to include the names and addresses of any party in interest that has requested to be added to the Master Service List in accordance with the procedures described herein. The Master Service List will be publicly accessible on the Trustee’s website at www.madofftrustee.com (the “Trustee’s Website”), but will not be posted to the docket in the Main Case.

¹ The initial Master Service List shall be served upon all parties in interest via notice of the order establishing these Notice Procedures. From reviewing the notice and initial Master Service List, parties will be able to determine whether they need to take action to alter their status so as to receive (or decline to receive) pleadings served upon the Master Service List.

- h. Any party wishing to be removed from the Master Service List must file a notice of withdrawal of appearance on the docket of the Main Case, or, if *pro se*, return a Request Form to the Trustee to that effect.
- i. All filed Pleadings will publicly appear on the electronic docket of the Main Case through the Court's Electronic Filing ("ECF") system.

II. In the Adversary Proceedings:

- a. Adversary Proceedings to which the Procedures Order applies shall follow the notice provisions set forth in the Procedures Order.
- b. Adversary Proceedings to which the Procedures Order does not apply will be governed by the following notice provision: After a defendant has appeared, service of all Pleadings in each Adversary Proceeding shall be made by email (i) to counsel of record; (ii) directly to the party if such party is proceeding *pro se*, or (iii) to the party designated to receive service in any Notice of Appearance filed on behalf of the party in the related Adversary Proceeding. There shall be no obligation to serve paper copies of Pleadings other than the complaint and the summons. Counsel of record must file a Notice of Appearance or supplemental Notice of Appearance designating an email address for service in the related Adversary Proceeding.
- c. All filed pleadings in each Adversary Proceeding will publicly appear electronically on the respective dockets through the Court's ECF system.
- d. Service on state or federal governmental entities shall not be required in Adversary Proceedings unless a governmental entity has filed a Notice of Appearance in the Adversary Proceeding.

III. Procedures Applicable in All BLMIS Proceedings:

- a. All Pleadings served via email shall be in portable document format ("PDF"), if available, and the subject line of the email shall indicate the Adversary Proceeding number in which the Pleading has been filed and the name of the party serving such Pleading (*e.g.* Adv. Pro. No. xx-yyyy – Service by Defendant [name of party]). Parties shall include the title(s) of the Pleading being served in the text of the email. If, however, a PDF is too large to be emailed effectively, the party attempting to effect service may send an email containing a link (a "Link") to the Pleading in a virtual workspace, or may break the email up into multiple smaller files. Such Pleadings may also be served via CD-ROM or similar media. Any party that wishes to receive a courtesy paper version of a Pleading instead may request such a paper version, and the Noticing Party shall provide such a paper version, provided, however, that service shall be deemed complete

at the time a Link to such a Pleading has been electronically transmitted by the Noticing Party to the party making such a request.

- b. Upon completing notice according to the procedures described herein, the party providing notice will file with the Court an affidavit of service or certification of service annexing the list of parties that received notice and the manner in which notice was served.
- c. Service on parties will be made by email where possible and otherwise by U.S. mail, international courier, facsimile, overnight delivery, or as otherwise provided in these Notice Procedures and in accordance with the Bankruptcy Rules and the Federal Rules of Civil Procedure.
- d. Where service of notice of any document is effected by email or facsimile in accordance with these Notice Procedures, such service shall be deemed complete upon electronic or facsimile transmission, as the case may be, for purposes of the application of Rule 9006 of the Bankruptcy Rules: ~~Where service is,~~ provided that such transmission occurs prior to 8:00 p.m. prevailing Eastern Time, excluding Saturdays, Sundays, and legal holidays (such day and time, during a "Business Day"). Service effected by email or facsimile, ~~service shall be~~ but not transmitted so as to be received during a Business Day is deemed complete ~~upon~~ on the next Business Day following transmission. Service effected by Federal Express or overnight delivery is deemed complete one ~~b~~ Business ~~d~~ Day after sending. Service effected by regular mail is deemed complete three days after mailing.
- e. Service upon the Trustee is not required; the Trustee shall be deemed properly served upon ECF filing.
- f. These Notice Procedures shall be made available to and utilized by all parties in interest filing Pleadings in either the Main Case or any Adversary Proceeding. Any party filing a Pleading in either the Main Case or any of the Adversary Proceedings shall be deemed to have properly effected service in accordance with the Bankruptcy Rules and the Local Rules upon serving notice in accordance with these Notice Procedures.
- g. Notwithstanding General Order M-399 of the United States Bankruptcy Court for the Southern District of New York, an email approval from a party whose name is signed electronically that gives such party's permission to sign their name electronically shall constitute adequate proof that the signature was authorized; a hard copy of the originally executed document need not be exchanged or kept.